IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 228 of 2005

SMT. LEELA KRIPLANI & ANR.
V/S
STATE OF RAJASTHAN & ORS

Mr. SK SANKHALA, for the appellant / petitioner

Date of Order : 1.3.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

The only submission made is that the compensation awarded is inadequate. I find that the learned Tribunal has assessed the income, and dependency on the basis of the salary certificate of the deceased, who was a government employee, and has employed the multiplier of 11, as the deceased was said to be 54 years of age.

Learned counsel submits that the future prospects were not taken into account, suffice it to say, that ordinarily, the deceased would have retired on attaining the age of 60 years, and after retirement, his emoluments would have substantially reduced. In that view of the matter, when the Tribunal has employed the multiplier of 11, as prescribed in Second Schedule, and has employed it qua the present income, I do not find any error in the calculations made.

The other submission made is that the amount of Rs.1,25,000/-, which was paid to the claimants as ex-gratia amount, has wrongly been adjusted from the amount assessed. I do not find any force in this argument either, inasmuch as, this was the amount received by the claimants solely on account of the unfortunate death of the deceased in the accident, otherwise, this amount was not receivable by the claimants. In that view of the matter, this amount has also rightly been deducted from the amount assessed.

The appeal thus, has no force, and is dismissed summarily.

(N P GUPTA),J.

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